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10/574,288	03/31/2006	Marc Gansemans	288837US6PCT	7153
22850 7590 04/14/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
SPAHN, GAY				
ART UNIT		PAPER NUMBER		
3635				
NOTIFICATION DATE		DELIVERY MODE		
04/14/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/574,288

Examiner

Gay Ann Spahn

Applicant(s)

GANSEMANS, MARC

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 02 February 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Continuation Sheet.
- ☒ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☒ B. Other See Continuation Sheet.
- ☒ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☒ C. Other See Continuation Sheet.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 1(c) Other: The examiner notes that Applicant appears to have amended the specification by Substitute Specification (including a Marked-Up copy of the original specification) in accordance with 37 CFR 1.121(b)(3). However, 37 CFR 1.121(b)(3)(ii) requires compliance with 37 CFR 1.125(b) and (c) and 37 CFR 1.125(b) has not been complied with because the Substitute Specification has not been "accompanied by a statement that the substitute specification includes no new matter".

Continuation of 2(b) Other: 37 CFR 1.121(a) requires compliance with 37 CFR 1.52 and it appears that the Abstract fails to comply with 37 CFR 1.52(b)(2)(i) which requires the Abstract to have either double spaced of 1-1/2 spaced lines (i.e., the Abstract appears to be single spaced).

Continuation of 3(c) Other: The examiner notes that the last sentence of 37 CFR 1.121(d) states that "[a]ll changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper." Although it appears that Applicant has a detailed description of the changes made to drawing figure on the Replacement Sheet on a paper Applicant entitled "Letter Submitting Replacement Drawing Sheet(s)," this is not compliant with the last sentence of 37 CFR 1.121(d) because the detailed explanation is required to be in the drawing amendment section (i.e., page 6 of the "Amendment Under 37 C.F.R. 1.111" filed 10 February 2009) or the remarks section (i.e., pages 7-10 of the "Amendment Under 37 C.F.R. 1.111" filed 10 February 2009).

/Gay Ann Spahn/  
Gay Ann Spahn, Primary Examiner  
April 9, 2009